

September 6, 2006 BZA



REQUEST ANALYSIS
AND
RECOMMENDATION

06AN0342

Robert J. Barden

Dale Magisterial District
4438 Cogbill Road

REQUEST: A Special Exception to permit the keeping of twelve (12) dogs in a Residential (R-7) District.

RECOMMENDATION

Recommend denial of this Special Exception for the following reasons:

- A. The proposed use may be likely to have an adverse effect on the health, safety or welfare of persons residing on the premises or in the area.
- B. The keeping of twelve (12) dogs is incompatible with the permitted uses in this Residential (R-7) District.
- C. There are no conditions that will be adequate to address the negative impacts that keeping twelve (12) dogs on the property will have on this residential area in general.

GENERAL INFORMATION

Location:

Property is known as 4438 Cogbill Road. Tax ID 779-685-7535 (Sheet 12).

Existing Zoning:

R-7

Size:

.276 acre

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - R-7; Residential
South - R-15; Residential
East - R-7; Residential
West - R-7; Residential

Utilities:

Public water and sewer

General Plan:

(Central Area Land Use and Transportation Plan)

Residential
(2.51 – 4.0 units per acre)

DISCUSSION

The applicant requests a Special Exception to permit the keeping of twelve (12) dogs in a Residential (R-7) District. This type of request is classified by the Zoning Ordinance as a private kennel. The Ordinance defines a private kennel as “A place where three or more dogs, more than four months old, are kept for private use.”

The applicant provides the following information in support of this request:

I have twelve (12) dachshund dogs for personal use. They have been neutered. I do not use these dogs for breeding purposes. They range from two (2) to six (6) years and weigh between ten (10) and fifteen (15) pounds. Each dog has its own space for sleeping in a room converted to my dog hotel. These dogs are kept primarily inside. They are kept in an enclosed chain link fence in the back yard. I keep the yard clean and also water their piles until it dissolves into the ground. When the dogs are outside I am out there with them. When I leave the dogs are confined to their room. There are other dogs that are adjacent to my property that bark also but not all the time or excessively.

Planning Department staff visited the site in response to a complaint. Staff’s inspection revealed that the applicant was in violation of the Zoning Ordinance by keeping more than two (2) adult dogs (private kennel) in a Residential (R-7) District. This request is in response to staff’s investigation. Staff’s field inspection revealed a single family dwelling located in the North Chesterwood

Subdivision. This is an older, well established neighborhood that is located off the north line of Cogbill Road just west of North Chesterwood Drive. There are single family dwellings located to the north, south, east and west of the subject property. A chain link fence is located around the rear yard and a portion of the front yard.

The twelve (12) dogs consist of dachshunds. The applicant has indicated that all of the dogs have been neutered and range from ten (10) to fifteen (15) pounds.

The subject property consists of .276 acre and is zoned Residential (R-7). The keeping of this unusually high number of dogs is similar in character to a commercial kennel. This proposed use (private kennel) is not compatible with uses that are permitted in a Residential (R-7) District which is intended for single-family dwellings.

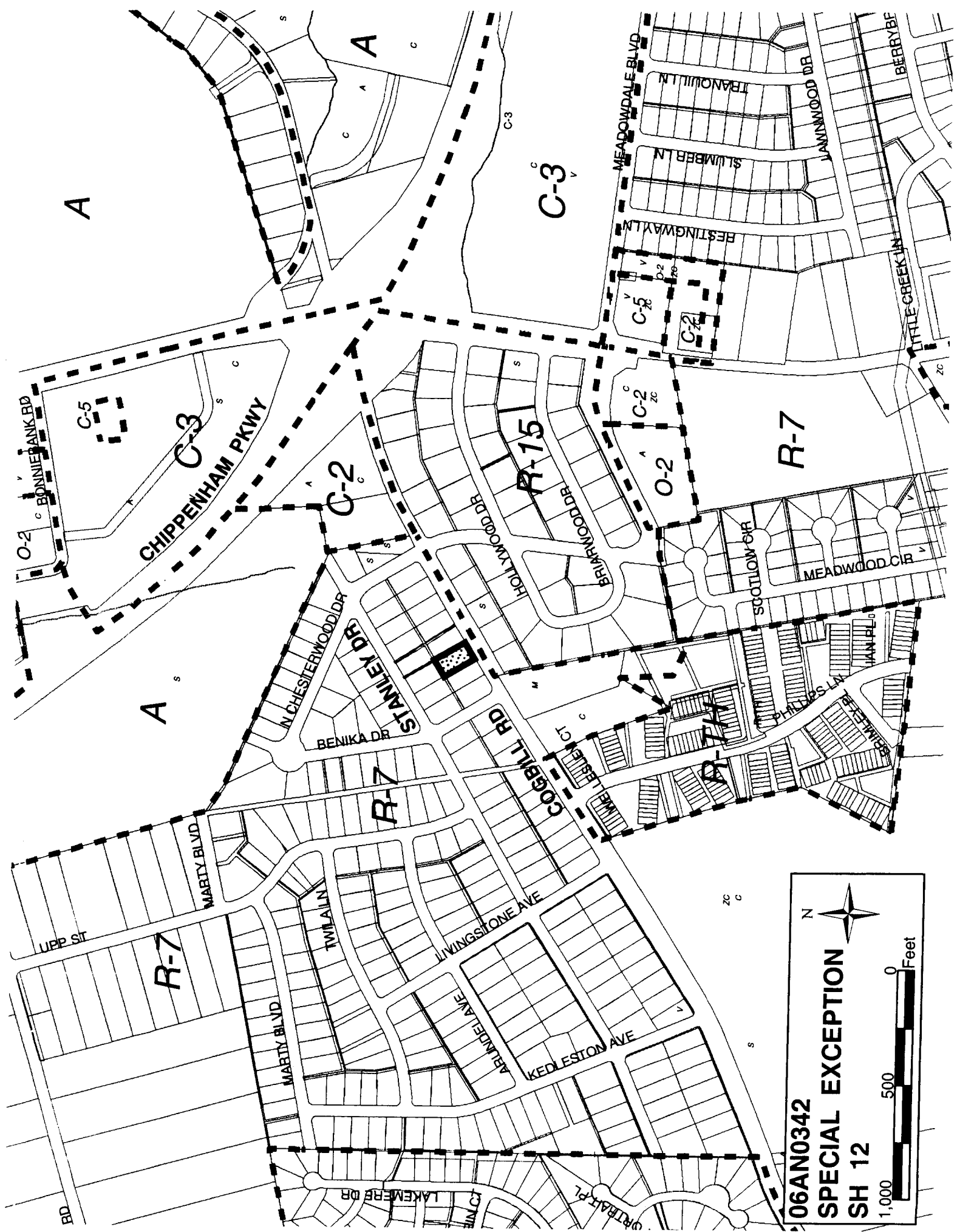
This type of request may have an adverse effect on the character of the area and may adversely affect the welfare of the persons residing or working in the area because the noise produced by twelve (12) dogs may create a nuisance.

The imposing of conditions will not mitigate the negative impact that this use may have on this well established residential area. Although the yard is adequately maintained and the dogs are confined in the house and within a fence in the front and rear yard, the number of dogs may be a nuisance or a safety issue to adjacent and area properties. Therefore, staff cannot support this request.

However, if the Board feels that this request has merit, staff recommends that it be subject to the following conditions:

CONDITIONS

1. Special Exception shall be granted to and for Robert J. Barden, exclusively, and shall not be transferable nor run with the land.
2. Special Exception shall be granted for a period not to exceed two (2) years from date of approval and may be renewed upon satisfactory reapplication and demonstration that the keeping of these twelve (12) dogs has not proved a detriment to the adjacent property or the area in general.
3. All dogs shall be kept in the existing dwelling. Whenever the animals are allowed outside the dwelling, they shall be on a leash or within the fence in the rear yard.
4. Should any one (1) of the dogs be given, sold or pass away, it shall not be replaced.
5. The applicants shall not breed or board dogs on this property.
6. The applicants shall provide a history of each dog, such as age, sex, color and size as well as a photo to the Planning Department within thirty (30) days of approval of the Special Exception.



06AN0342
SPECIAL EXCEPTION
SH 12

1,000 500 0 Feet

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STANLEY DR

N

81.43

150

DOG'S HOTEL

DWELLING

FENCED IN

81.43

COGBILL RD

BENKA DR

OGANO342-1